

Summary Minutes of the
Delta Protection Commission Meeting
Thursday, June 24, 2010

City of Antioch – Community Center
300 L Street
Antioch, California 94509

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute.

Vice Chair Reagan called the meeting to order at 5:40 p.m.

2. Welcome Commission Members.

Vice Chair Reagan welcomed Commission members and guests to the meeting.

3. Roll Call.

Present: Chair Nottoli; Commissioners Albright, Brand, Ferguson, Martin, McGowan, Pegos, Piepho, Reagan, Ruhstaller, Scriven, van Loben Sels and Vick. Absent: Commissioners Cabaldon and Eggman.

4. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda.

Carolina Salazar, Office of Assembly member Tom Torlakson asked that the Commission consider a hire that is modeled after the current Executive Director to continue to support the Delta Trail.

Darlene Dawson, Antioch, asked if the Commission would be responding to the State Water Resources Control Board's (SWRCB) proposal that requires marinas and clubs to obtain a coastal marina permit to comply with SWRCB regulations. Ms. Fiack responded that Commission staff would watch the proposal.

Bill Worrell, Antioch welcomed the Commission to the City of Antioch and gave a brief history of the City.

CONSENT AGENDA

5. Approve Minutes of May 20, 2010 Meeting.

6. Receive Draft Great California Delta Trail Best Practices Memo and Technical Issues Memo Currently Being Reviewed by the Technical and stakeholder Advisory Committees.

Commissioner Vick moved approval of the Consent Agenda; Commissioner Piepho seconded. The motion was approved unanimously by voice vote.

REGULAR AGENDA

7. Receive Informational Presentation About the Working Landscapes Program Developed and Administered by the Commission in Partnership with Ducks Unlimited and Hart Restoration.

Jeff McCreary, Ducks Unlimited and Jeff Hart, Hart Restoration reported that the project is a Delta wide working landscapes program which seeks to encourage landowners to enhance their lands to encourage habitat friendly farming practices.

8. Receive Informational Presentation From Wildlands, Inc. on Liberty Island

Linda Fiack reported that Wildlands, Inc. made a presentation before the Commission in September 2007 regarding the Liberty Island Conservation Bank project. Wildlands is seeking an encroachment permit from the Central Valley Flood Protection Board and has asked that the Commission provide a letter of support.

Commissioner McGowan recommended that Commissioner staff coordinate with county staff from Yolo and Solano Counties prior to preparing a letter. The Commission directed staff to follow up with the recommendation.

9. Receive Update on Preparation of Primary Zone Study From Douglas Environmental, and the Primary Zone Study Advisory Committee, and Provide Input and Direction; and Receive Status Update on Funding Commitment from Delta Stewardship Council in the Amount of \$104, 250 (Supplemented by Contributions from California Natural Resources Agency and California Department of Food and Agriculture) to Cover the Consultant Contract Amount for Plan Completion.

Doug Brown, Douglas Environmental reported that the consulting team and the Primary Zone Study Committee has facilitated two workshops on the Primary Zone Study to date. Mr. Brown encouraged the Commission to consider allowing time for the team to conduct a more rigorous public outreach as many people are just starting to tune into the process. Mr. Brown reported that the consulting team is in the process of identifying the study area boundaries and it is anticipated the process will need additional time beyond the July 1, 2010 deadline. He referenced a letter from Yolo County asking that the Primary Zone Study Committee add legacy towns to its analysis as well as a letter from Snug Harbor Resort asking to be taken out of the Primary Zone.

Commissioner van Loben Sels asked if there were any zones or individual property owners identified and suggested that a letter be sent out to the property owners as disclosure that their lands may be considered to be placed in the Primary Zone. Mr. Brown responded that neither zones nor individual property owners have been identified.

Commissioner McGowan commented that the Primary Zone discussion must be integrated with the economic sustainability plan process.

Commission Piepho asked that the Commission send two letters to the Legislature—one letter providing a status update and identifying the challenges/hurdles; and another letter outlining the progress to date in addition to asking for more time to finish the report.

Commissioner Albright, Chair of the Primary Zone Advisory Committee, stated that any letters sent to the Legislature should provide a status report, provide progress up to date, identify issues

to be dealt with and note that all information contained in the final report can be substantiated. Commissioner Piepho responded that while she concurred, the letters should not be too direct. Commissioner Albright recommended that a significant portion of the July Commission meeting be devoted to discussing the Primary Zone study.

Commissioner McGowan moved that staff, be directed to work with the Primary Zone Advisory Committee to send a letter to the Legislature that advises of the progress to date, identifies challenges and concerns, outlines areas to be addressed, and lists outstanding issues for the Primary Zone Study; Commissioner Piepho seconded. The motion was approved unanimous by voice vote.

10. Receive Update From the Commission Economic Sustainability Plan Committee, Including Request for Consultant Support and Update on Status of Funding Commitment in the Amount of \$500,000 from the Delta Stewardship Council.

Chair Nottoli announced that the Delta Stewardship Council (Council) approved the Commission's request for the transfer of \$500,000 for the preparation of the Economic Sustainability Plan.

Ms. Fiack reported that a contract for consultant support for the Economic Sustainability study has been awarded to Bay Area Economics.

Bob Whitley, Contra Costa Council (CCC) stated that CCC submitted a letter to the Commission expressing an interested in assisting the Commission to advance economic sustainability in the Delta and to be a member of the Commission advisory committee.

Commissioner Albright reported that the Economic Sustainability Plan Committee will be meeting on July 29, 2010 with the consultants to kick-off the process of developing the framework of the plan.

Chair Nottoli stated that the Council wanted to be apprised of the time frame in which the finished report would be delivered. Ms. Fiack responded that the idea is to have a rough draft by November.

11. Receive Report from Executive Committee and Act on Recommendations as Determined Appropriate Pursuant to Commission Member Discussion:
A. Delta Stewardship Council

Chair Nottoli reported that in addition to approving the Commission's funding request, the Council will be meeting on July 22-23, 2010 in the Delta to receive public comment on the interim plan.

B. Delta Conservancy

Commissioner Piepho reported that she was appointed as the Chair of the Conservancy and announced that meetings of the Conservancy will be held the first Wednesday of the month with the locations to be determined. Mark Wilson, Commission appointee on the Conservancy concurred with the input of Commissioner Piepho and also referenced the minutes of the meeting that were distributed at his request.

C. Budget

Ms. Fiack reported that she was following-up on funding streams to pay the contracted consultants and called attention to a funding table for the Commission to gain a better understanding of the Commission's contracts component of the budget. She also announced that with the increase of the role of the Commission and related administrative services, staff is seeking administrative support from another State agency that is able to absorb the additional workload. Commissioner Brand reiterated that due to budget cuts, the State Lands Commission does not have the staff to service the ever growing Commission.

D. Legislation

Vice Chair Regan reported that AB 2092, AB 2775, SB 565, SB 918, AB 2336, SB 1334, AB 1788, HR5569, and CEL 10454 are bills that may be of relevance to the Commission.

Ms. Fiack reported that US Senator Dianne Feinstein introduced CEL 10454. The legislation is in draft form to establish the Sacramento-San Joaquin River Delta as a National Heritage Area. Components of the draft legislation differ from the current mandates to the Commission to establish a National Heritage Area as provided for in State Senate Bill X7-1.

Chair Nottoli and Commissioner McGowan stated that their constituents have expressed concerns with the federal proposal. Commissioner Piepho said that while she understands the concerns, it should be recognized that those concerns may be from a minority of stakeholders.

Commissioner van Loben Sels said that while the project is good, the timing of the legislation is wrong considering everything else going on in the Delta.

Gary Adams, California Striped Bass Association said that he attended the NHA workshop facilitated by the Commission relative to the State process underway and encourages the public to have a voice in the process. He said the Commission would be remiss if it did not work at the grass roots level.

E. Office Relocation

Ms. Fiack reported that the Department of General Services (DGS) has selected a site based on the required process that has been conducted.

Commissioner Piepho asked if staff was working with either the Delta Conservancy or Delta Stewardship Council as they are also looking for an office site. Ms. Fiack responded that she did inform DGS staff that the Council and the Conservancy may be seeking office space as well as the Commission.

F. 2010 Meeting Schedule

Ms. Fiack recommended that the Commission adopt a revised meeting schedule for 2010 to continue with monthly meetings in order to accomplish the workload and timeframes established by the Legislature.

Chair Nottoli asked that the July 22, 2010 meeting be rescheduled to July 29, 2010 in light of the Delta Stewardship Council meeting taking place on July 22-23, 2010.

Vice-Chair Reagan moved to adopt the revised 2010 meeting schedule to include monthly meetings through December, and change the July 22, 2010 meeting to July 29, 2010; Commissioner Vick seconded. The motion was approved unanimously by voice vote.

12. Receive and Take Action to Implement Process for Recruitment of Executive Director:

A. Draft Interview Format and Timeline Options

Ms. Fiack asked that the Commission review and adopt one of the two draft interview formats and timeline options for the vacant Executive Director position. The information will guide the Commission from beginning to end regarding announcement of the vacancy to hiring. She also confirmed that the Delta Conservancy would assist the Commission in distributing the job announcement if timing allowed.

Commissioner Piepho moved to adopt Recruitment Timeline #1; Commissioner McGowan seconded. The motion was approved unanimously by voice vote.

B. Draft Recruitment Announcement

Ms. Fiack distributed a revised Executive Director Recruitment Announcement and requested input.

Commissioner Martin asked that the annual salary note that the salary would be under review.

Commissioner Brand asked that CEQA and NEPA be listed as regulations and not processes; and asked that other minor grammatical errors be fixed.

Commissioner McGowan moved to approve the revised Executive Director Recruitment announcement; Commissioner Scriven seconded. The motion was approved unanimously by voice vote.

C. Request for Director of Finance to Approve Reinstatement of Position to Address Termination on June 30, 2010.

Ms. Fiack confirmed that the position does formally end on June 30, 2010 but noted that a petition will be submitted to the Director of Finance for reinstatement pursuant to the provisions of Government Code 12439(b) (2).

13. Discuss Initiating Formation of 2x2 Forum with Delta Stewardship Council and Delta Conservancy, Similar to County-Cities 2x2 to Enhance Communication.

Commissioner Albright requested that the item be tabled and addressed when the new Executive Director comes on board.

Commissioner Albright moved to table the item; Commissioner McGowan seconded. The motion was approved unanimously by voice vote.

14. Receive Update From Commissioners Pegos and Reagan on Process for Establishing an Advisory Committee Pursuant to Provisions of SBX7-1 and Take Action as Deemed Appropriate to Initiate Committee Formation.

Commissioner Pegos read the requirements for establishment of an advisory committee and asked for direction from the Commission.

Commissioner Albright said that any good charter for an advisory committee must have clear objectives and outcomes. He said he would like to see specific roles and responsibilities of the advisory committee; in addition, the advisory committee should be small enough so that it could be managed by the Commission. Commissioner Albright also said the Commission should not move forward until it knows what it wants and needs out of the advisory committee. Commissioner Pegos responded that the legislation is not clear on the outcomes or the objectives; therefore, from his perspective, it is up to the Commission to determine.

Commissioner Martin suggested that Commissioner Pegos and Vice-Chair Reagan try to first define the charter and then break up the objectives and outcomes into small tasks for prioritization and bring the information before the Commission at a future meeting.

Commissioner Piepho noted that the Commission should be cautious about having too many objectives. She also noted the Commission should recognize the potential impacts to existing staff workloads that facilitating an advisory committee would create.

Commissioner Pegos said that he would bring back options at a future meeting.

15. Commission and Staff Comments and Announcements.

Commissioner Piepho announced that Jody Casale of the Contra Costa County Cooperative Extension is hosting a public forum to hear public perceptions about water. She said the Commission may want to extend an invitation for a presentation.

Commissioner Pegos announced that he attended a National Invasive Species Council meeting in San Francisco. The meeting featured a tour of the Delta and the San Francisco Bay.

Ms. Fiack announced that a Water Education Foundation Bay-Delta tour will be held July 13-15. She thanked Contra Costa and Solano County staff for participating in the tour on her behalf.

Ms. Fiack also announced that eight interpretive panels have been installed at the Benicia State Park as links to the Great California Delta Trail. The panels were installed in partnership with the California Native Plant Society courtesy of a grant from the County of Solano to the Commission.

16. ADJOURN.

The meeting was adjourned at 9:10 p.m.